(*d*) for the words " declare the transfer to be void if he finds that the transfer ", the words " declare the transfer or partition to be void if he finds that the transfer or the partition, as the case may be " had been substituted.

5. *Insertion of new section 88-A in the principal Act.*—The principal Act shall, on and from the date of the publication of this Act in the *Tamil Nadu Government Gazette*, have effect as if, after section 88 of the principal Act, the following section had been inserted, namely :—

" 88-A. *Penalty for furnishing return showing land subject to void transfers or partitions under section 22 as surplus land.*—Where the transfer or partition of any land has been declared to be void under section 22, and if any person has in the return furnished by him under this Act specified such land to be declared as surplus land of the transferor or of the person effecting the partition, the person so furnishing the return shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both."

இணைப்பு III

[32 ஆம் பக்கத்தில் இனம் 5 (3)க்கான அடிக்குறிப்பைக் காண்க]

L.A. BILL No. 44 of 1972.

(As passed by the Assembly).

A Bill further to amend the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Amendment Act, 1972.

2. *Amendment of section 2, Tamil Nadu Act 57 of 1961.*—In section 2 of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) (hereinafter referred to as the principal Act), to clauses (18) and (29), the following *Explanation* shall be added, namely :—

' *Explanation.*—The expression " fruit or nut-bearing trees " shall not include plantian trees. "

3. *Insertion of new section 6-A in Tamil Nadu Act* 57 *of* 1961.—After section 6 of the principal Act, the following section shall be inserted, namely :—

" 6-A. *Cultivating tenant's ceiling area of a person to include his spouse's, minor son's or unmarried daughter's holding.*—In calculating the extent of the cultivating tenant's ceiling area of a person for the purposes of this Act, the extent of land held as cultivating tennant or as owner or as possessory mortgagee by such person his spouse minor son and unmarried daughter shall be taken into account and accordingly the aggregate of the extent of land so held by such person, his spouse, minor son and unmarried daughter shall not exceed five standard acres."

4. *Amendment of section* 8, *Tamil Nadu Act* 57 *of* 1961.—In section 8 of the principal Act, for the expression " within ninety days from the date of reversion, resumption or acquisition, as the case may be ", the expression " within such period as may be prescribed " shall be substituted.

5. *Insertion of new section* 14-*A in Tamil Nadu Act* 57 *of* 1961.—After section 14 of the principal Act, the following section shall be inserted, namely :—

" 14-A. *Special powers of the authorized officer.*—(1) Notwithstanding anything contained in this Chapter, the authorized officer may, either *suo motu* or on application, call for and examine for the purpose of this Chapter any record of the public trust and if, on such examination, the authorised officer is satisfied, that in respect of any land held by the public trust—

(i) the public trust has failed to lease out the land in accordance with the provisions of sections 6, 8 and 15 (3), or

(ii) any lease by the public trust under this Chapter is not *bona fide*, or

(iii) any direction given by him under clause (*b*) of section 12 or clause (*b*) of sub-section (2) of section 13, or sub-section (1) or sub-section (2) of section 14, has not been complied with,

he may, after giving notice to the trustee of the public trust and the other persons likely to be affected, pass an order directing the trustee to lease oxt the land within the prescribed period to any one of the persons from the fist furnished by him to the trustee concerned:

Provided that the extent of land so leased out to any such person together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

(2) The list mentioned in sub-section (1) shall contain only persons who—

(*a*) are already cultivating tenants ; or

(*b*) if they are not already cultivating tenants, shall execute agreements with the public trust that they will contribute their own physical labour or that of any member of their family in the cultivation of the land so leased out.

(3) If the authorized officer is satisfied either *suo motu* or on application that in respect of any land held by the public trust—

(*a*) the trustee of the public trust has not complied with any direction issued under sub-section (1) ; or

(*b*) the person to whom the land has been leased out in pursuance of such direction does not contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him ; or

(*c*) if such person contravenes any of the provisions of the tenancy agreement,

the authorized officer shall, after giving notice to the said trustee and person, cancel the existing lease, if any, and lease out the land himself on behalf of the public trust to—

(i) any person who is already a cultivating tenant ; or

(ii) any person who, not being already a cultivating tenant, execute an agreement with the public trust that he will contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him:

Provided that the extent of land so leased out to any person, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

(4) Where any order has been passed by the authorized officer leasing out the land under sub-section (3) on behalf of the public trust, any person in possession of the land on the date of such order, shall be deemed to have been evicted and the trustee of the public trust shall take possession of the land immediately and deliver possession of such land to the person to whom the land has been leased out under sub-section (3).

(5) (i) If the person who is deemed to have been evicted under sub-section (4), fails to deliver possession of the land to the trustee or obstructs the trustee from taking possession of such land ; or

(ii) if the trustee fails to take possession of the land under sub-section (4),

the authoried officer may, after using such force as may be necessary for the purpose, take possession of the land himself on behalf of the public trust and deliver possession of such land to the person to whom the land has been leased out under sub-section (3).

(6) A lease by the authorized officer under sub-section (3) shall be deemed to be a lease by the public trust and the public trust shall enter into a tenancy agreement with the person to whom the land has been leased out under sub-section (3) and the provisions of section 21 and the other provisions of this Act shall accordingly apply."

6. *Insertion of new section 15-A, in Tamil Nadu Act* 57 *of* 1961.—After section 15 of the principal Act, the following section shall be inserted namely :—

"15-A. *Trustee or authorized officer to take possession of land reverting to public trust.*—(1) Any person in possession of the land reverting to the public trust under section 7 or sub-section (2) of section 15, shall be deemed to have been evicted and the trustee of the public trust shall take possession of the land immediately.

(2) (i) If the person who is deemed to have been evicted under sub-section (1) fails to deliver possession of the land to the trustee or obstructs the trustee from taking possession of such land, or

(ii) if the trustee, fails to take possession of the land under sub-section (1),

the authorized officer may, after using such force as may be necessary for the purpose, take possession of the land himself on behalf of the public trust and deliver possession of such land to the public trust."

7. *Amendment of section* 48, *Tamil Nadu Act* 57 *of* 1961.—In section 48 of the principal Act, after the expression "sub-section (2) of section 14" the expression "or sub-section (1) of section 14-A" shall be inserted.

8. *Insertion of new section 49-A in Tamil Nadu Act* 57 *of* 1961.—After section 49 of the principal Act, the following section shall be inserted, namely :—

"49-A. *Penalty for obstructing the trustee or authorized officer from taking possession.*—If any person obstructs any trustee of a public trust or the authorized officer from taking possession of the land under sub-section (4) or sub-section (5) of section 14-A or under section 15-A, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both."